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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,851	09/22/2003	John Eugene Merkley JR.	16342D1-US	1381
30689	7590	10/18/2007		
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/667,851

Applicant(s)

MERKLEY ET AL.

Examiner

Jennifer Liversedge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/2003</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2001/0047307 A1 to Bennett et al. (further referred to as Bennett), and further in view of US Pub No. 2003/0163401 A1 to Dines et al. (further referred to as Dines).

Regarding claims 1-2, 4-5, 7-9, 11-12, 14-15, 17-19 and 21-23, 25 Bennett discloses a method and system of facilitating an incentive program (pages 1-15), comprising the steps of:

Establishing a library of available incentive programs (page 4, paragraphs 55-58; page 13, paragraph 137 and 143; page 14, paragraphs 145-154);

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Searching the library of available programs to select a tailored list of candidate incentive programs from the library of available incentive programs (page 5, paragraph 66; page 6, paragraph 75-76; page 13, paragraphs 137 and 143; page 14, paragraphs 145-155);

Making information accessible on the candidate incentive programs (page 4, paragraphs 55-58; page 5, paragraph 66; page 6, paragraph 75-76; page 12, paragraph 131; page 13, paragraphs 137 and 143; page 14, paragraphs 145-155);

Supporting selection of a preferential one of the candidate incentive programs (page 13, paragraphs 137 and 143; page 14, paragraphs 146, 152-155); and

Transferring incentive program data to a financial screening process (page 2, paragraphs 17-18; page 3, paragraphs 40-43; page 4, paragraphs 55-57; page 8, paragraphs 88 and 95; page 10, paragraph 109; page 11, paragraph 124).

Bennett does not disclose receiving crop planning or background data of a particular producer and wherein the crop planning data is sent along with the incentive program to a financial screening process. However, Bennett discloses where informational data associated with the transaction may be sent with the incentive program data for financial screen (page 12, paragraph 127) and wherein financial is obtained based on the nature of the transaction (page 3, paragraphs 40-43) where a consumer can select products to be considered in the analysis of financial options. Dines discloses the offering of incentives and loans for agricultural related transactions (pages 1-5). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the incentive offering and financial screening as disclosed by

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Bennett to adapt the agricultural incentive offering and financial screening as disclosed by Dines. The motivation would be that a database of incentives can be developed to include incentives related to any product or service, and the same process steps of reviewing the database review for identifying a preferred incentive as disclosed by Bennett and Dines applies to any types of goods or services.

Regarding claims 3, 13 and 26 Bennett does not disclose where the crop planning or background data comprises one or more of [the list as provided in the claim language]. However, Dines discloses where the crop planning or background data comprises one or more of [the list as provided in the claim language] (pages 1-5). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the information gathering for conducting a transaction as disclosed by Bennett to adapt the gathering of specific agricultural data as disclosed by Dines. The motivation would be to collect data relative to the transaction. While Bennett gathers data related to a product or service to be purchased as well as the individual desiring to make the purchase, the system would need to gather agricultural related data for offering incentives in the agricultural products and services.

Regarding claims 6 and 16, Bennett does not disclose translating a brand name into a generic name for comparison to program data. However, Examiner takes Official Notice that it is old and well known and would be obvious to one of ordinary skill in the art at the time of the invention to translate a brand name to a generic name in order to

search a database of incentives related to the product. Organizing a database by generic name rather than brand name offers a broader search mechanism, whereby products are identified by generic name rather than brand name. For example, if a system user were looking for incentives on facial tissue, the user would return more "hits" on incentives if the search were conducted on facial tissue rather than on Kleenex. If a user searched for incentives on Kleenex, then only returns for the brand name would be returned. However, if the user searched for incentives on facial tissue, then returns for Kleenex brand, Puffs brand, Angel soft brand, as well as store brands and/or lesser well known brands, etc.

Regarding claims 10 and 20, Bennett does not disclose formatting data to be interpretable by a financial application. However, Examiner takes Official Notice that it is old and well known and would be obvious to one of ordinary skill in the art at the time of the invention to format data to be interpretable by a financial application. Data sharing requires that data be in a format which provides for the data to be transferred and processed, otherwise the process of data transfer would be ineffective. Bennett discloses where data is shared amongst parties of a transaction, ranging from a buyer to a seller to parties providing financing, and where data is passed back and forth between each of these parties. Therefore, the data must be in a format that enables a buyer to enter personal data, a seller to offer goods for sale, a financier to offer incentives and financing packages and wherein each of the parties is able to communicate through sharing data in a format which enables that communication.

Regarding claim 24, Bennett does not specifically disclose providing system access after receiving an identifier and password from parties accessing the system. However, Examiner takes Official Notice that it is old and well known and would be obvious to one of ordinary skill in the art to incorporate the use of party identifiers and passwords with the online incentive and financing as disclosed by Bennett. Sensitive personal data related to individuals and their potential purchases is stored in the Bennett system. The users of the system range from buyers to sellers to financiers, where each has access to the system, and it is old and well known and would be obvious to one of ordinary skill in the art to require identifiers and passwords for granting such access in order to protect the sensitive data which has been gathered and stored by the Bennett system. Bennett discloses where each of the above mentioned parties may begin a transaction, evaluate options for purchases and associated financing, and place the transaction on hold for further consideration, returning later to complete the transaction. It would be obvious to require identifiers and passwords in order to establish the profile and store transaction data, in order to return to the transaction at a later point in time.

### ***Conclusion***

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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A handwritten signature in black ink, appearing to read 'Kambiz Abdi', with a long horizontal line extending to the right.

Kambiz Abdi

Supervisory Patent Examiner

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